HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

W.P. NO.21755 OF 2000

Between:
Smt.Devisetti Lakshmi

.....Petitioner

AND

Union of India, rep by its
Deputy Secretary to Government,
Ministry of Home Affairs,
Freedom Fighters Division,
Lok Nayak Bhavan, Khan Market,
New Delhi and another.

.....Respondents

::ORDER::

Counsel for the Petitioner : Sri Y.Rama Rao

Counsel for Respondent No.1 : Sri A.Rajasekhar Reddy

Assistant Solicitor General

Counsel for Respondent No. 2 : Government Pleader for

Revenue

Dated 29/8/2006

In this petition, Smt.Devisetti Lakshmi has prayed for issue of a mandamus to respondent No.1 to sanction pension to her under the Swatanthra Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme') by claiming that her husband was a freedom fighter.

The aforementioned prayer of Smt.Devisetti Lakshmi is founded on the assertion that her husband late Sri Hanumantha Rao had participated in Hyderabad Liberation Movement. She has relied on letter No.29083/FF.II/A4/92-3 dated 28.6.1993 sent by Sri K.Satyaraju, Special Secretary to the Government of Andhra Pradesh, Revenue Department, Hyderabad to the Deputy Secretary to Government of India, Ministry of Home Affairs (Freedom Fighters Division) and averred that in view of the recommendations made by the Government of Andhra Pradesh duly certifying her husbands status as a freedom fighter, the Government of India is duty bound to sanction pension to her.

In the counter affidavit filed by Sri S.D.Kaushik, Under Secretary in the Ministry of Home Affairs, Government of India, it has been averred that in pursuance of the order passed by this Court in W.P.No.4378 of 1997 the petitioner's case for grant of pension under the 1980 Scheme was forwarded to Hyderabad Special Screening Committee but the latter did not recommend her case.

I have heard learned counsel for the parties. It is true that Hyderabad Special Screening Committee did not recommend the petitioner's case for grant of pension but, in my considered view, the same cannot be made basis for declining relief to her because letter dated 28.6.1993 sent by Special Secretary to Government, Revenue

Department to the Deputy Secretary to Government of India strongly supports her assertion that her husband is entitled to be treated as a freedom fighter for the purpose of the 1980 scheme.

Sri A.Rajasekhar Reddy, learned Assistant Solicitor General submits that letter dated 28.6.1993 had not been received by the Government of India and, therefore, the Court may not take cognizance thereof.

In my opinion, it is not possible to accept the submission of the learned Assistant Solicitor General, which is founded on the assertion contained in the affidavit of Sri S.D.Koushik. The officer concerned is not shown to have scanned the entire record of the Freedom Fighters Division to find out whether communication dated 28.6.1993 sent by Special Secretary to Government, Revenue Department was received in the concerned division of the Ministry of Home Affairs.

I may have made further probe into this aspect of the matter, but keeping in view the fact that the petitioners claim is pending for the last more than 12 years, I do not consider it proper to adopt that course and feel that ends of justice would be met by disposing of the writ petition directing respondent No.1 to examine the petitioner's case for grant of pension in the light of communication dated 28.6.1993 sent by Special Secretary to the Government of Andhra Pradesh, Revenue Department and decide the same within a maximum period of two months from today. Ordered accordingly.

In order to facilitate verification of the facts incorporated in letter dated 28.6.1993, I direct the concerned authority of the Ministry of Home Affairs, Government of India to immediately send a communication to Revenue Secretary to the Government of Andhra Pradesh (Freedom Fighters Division). The latter shall, within seven days from the receipt of communication from the Government of India, send a reply whether or not communication dated 28.6.1993 is

genuine. If the reply sent by the Government of Andhra Pradesh is in affirmative, then the concerned authority in the Government of India shall decide the petitioner's claim. If she is held eligible and entitled to receive pension under the 1980 Scheme on the premise that her husband had taken part in the Hyderabad Liberation Movement or fight against the Government of erstwhile Nizam, Hyderabad, then appropriate direction be given for payment of pension to her from the date of application. Appropriate decision in this regard be taken within six weeks from the date of receipt of communication from Revenue Secretary to the Government of Andhra Pradesh (Freedom Fighters Division). The decision of the Government of India be communicated to the petitioner by registered post at the end of six weeks period.

The writ petition is disposed of in the manner indicated above.

G.S.SINGHVI, CJ

Dt.29.8.2006

Note: The Court Officer is directed
to give an attested copy of this
order to Sri A.Rajasekhar Reddy,
Assistant Solicitor General.

msv/ars.